

REMARKS

The Advisory Action dated June 6, 2008 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1-11, 13 and 16 have been amended to more particularly point out and distinctly claim the subject matter of the invention. No new matter has been added.

The Office Action indicated that claims 1-4, 9-11 and 13-15 have been allowed. Applicants wish to thank the Examiner for the allowance of these claims. However, claims 5-8, 12, 16 and 17 are respectfully submitted for reconsideration.

The Office Action rejected claims 5-8 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,643,287 to Callon et al. (Callon). Applicants have amended independent claims 5 and 16. Applicants respectfully submit that Callon fails to disclose or suggest all of the features recited in the above-noted claims. Accordingly, Applicants submit that all presently pending claims are in condition for allowance.

Claim 5, from which claims 6-12 depend, is directed to a method of distributing data across a network. A distribution device configured to distribute a set of packets of data across a set of equal-cost paths in the network is provided. Each packet in the set of packets are distributed across the set of equal-cost paths according to a weighted distribution so that at least one of said packets is given greater weight to be distributed across at least one of said equal-cost paths than at least one other of said equal-cost paths, said packet weight corresponding to a number of entries stored in a memory.

Claim 16 recites a device for distributing Internet protocol packets across a network. The device includes a set of interface means for interfacing the device with the network, and distribution means for distributing a set of packets entering the device through a first interface means in the set of interface means such that packets in the set of packets are distributed across all interface means in the set of interface means operably connected to equal-cost paths according to a weighted distribution so that at least one of said packets is given greater weight to be distributed across at least one of said equal-cost paths than at least one other of said equal-cost paths, said packet weight corresponding to a number of entries stored in a memory.

Applicants respectfully submit that each of the above claims recites features that are neither disclosed nor suggested in Callon.

Callon is directed to forwarding encapsulated data packets on a network having multiple links between nodes. Callon describes attaching an encapsulating header to a packet to be transferred across the public network from a source node to a destination node. A logical operation is performed to select one of a plurality of paths to forward the packet.

Regarding claim 5, Applicants respectfully submit that Callon fails to disclose or suggest “distributing each packet in the set of packets across the set of equal-cost paths according to a weighted distribution so that at least one of said packets is given greater weight to be distributed across at least one of said equal-cost paths than at least one other

of said equal-cost paths, said packet weight corresponding to a number of entries stored in a memory”, as recited in independent claim 5 and similarly in independent claim 16.

Applicants submit that the hash function described in Callon is not comparable to a weighted distribution, as recited in the claims. The hash function performs mathematical computations on the numerical values of the packet header information to ensure the mathematical values obtained are matched by their respective values with certain paths. This allows packets to be routed via numerical ordering of the packets. The hash function does not perform any type of weighted distribution. Callon does not teach or suggest “distributing each packet in the set of packets across the set of equal-cost paths according to a weighted distribution so that at least one of said packets is given greater weight to be distributed across at least one of said equal-cost paths than at least one other of said equal-cost paths, said packet weight corresponding to a number of entries stored in a memory”, as recited in independent claim 5 and similarly in independent claim 16.

Based at least on the above, Applicants respectfully submit that Callon fails to disclose or suggest all of the features recited in claims 5-8. Therefore, independent claim 5 is allowable over Callon. Applicants submit that because claims 6-8 depend from claim 5, these claims are allowable for at least the same reasons as claim 5, as well as for the additional features recited therein. Accordingly, withdrawal of the rejection under 35 U.S.C. §102(e) is respectfully requested.

The Office Action rejected claim 12 under 35 U.S.C. 103(a) as being obvious over Callon, in view of U.S. Patent No. 7,243,258 to Ichinohe et al. (Ichinohe). The Office Action took the position that Callon disclosed all of the features of these claims except updating a compilation is sets of instructions used to perform the weighted distribution based on a best-fit algorithm. The Office Action asserted that Ichinohe disclosed this feature. Applicants respectfully submit that the cited references, taken individually or in combination, fail to disclose or suggest all of the features recited in any of the above claims. Specifically, Applicants submit that Callon is deficient at least for the reasons discussed above, and Ichinohe fails to cure these deficiencies.

Ichinohe is directed to rerouting packets after failure. When a failure occurs and a route between one of a plurality of first ports cannot transmit and a plurality of networks is detected the plurality of ports is disabled. A second plurality of ports is then connected to the first ports through a plurality of networks. However, Applicants respectfully submit that Ichinohe is silent with regards to “distributing each packet in the set of packets across the set of equal-cost paths according to a weighted distribution so that at least one of said packets is given greater weight to be distributed across at least one of said equal-cost paths than at least one other of said equal-cost paths, said packet weight corresponding to a number of entries stored in a memory”, as recited in independent claim 5 and similarly in independent claim 16.

Claim 12 is dependent upon claim 5 and by virtue of dependency all of the features of claim 12 have not been taught by Callon or Ichinohe because all of the

features of claim 5 are not included in Callon or Ichinohe. Thus, Ichinohe fails to cure the deficiencies of Callon with respect to claim 12. Based at least on the above, Applicants respectfully submit that the cited references fail to disclose or suggest all of the features recited in claim 12. Accordingly, withdrawal of the rejection under 35 U.S.C. 103(a) is respectfully requested.

The Office Action rejected claims 16 and 17 under 35 U.S.C. 103(a) as being obvious over Ichinohe, in view of Callon. The Office Action took the position that Ichinohe disclosed all of the features of these claims except interface means operably connected to equal-cost paths according to a weighted distribution. The Office Action asserted that Callon disclosed this feature. Applicants respectfully submit that the cited references, taken individually or in combination, fail to disclose or suggest all of the features recited in claims 16 and 17. More specifically, Applicant submits that Callon fails to cure the admitted deficiencies of Ichinohe.

Claim 16, from which claim 17 depends, is directed to a device for distributing Internet protocol packets across a network. A set of interface means interfaces the device with the network. A distribution means distributes a set of packets entering the device through a first interface means in the set of interface means. Packets in the set of packets are distributed across all interface means in the set of interface means operably connected to equal-cost paths according to a weighted distribution so that at least one of said packets is given greater weight to be distributed across at least one of said equal-cost

paths than at least one other of said equal-cost paths, said packet weight corresponding to a number of entries stored in a memory.

As discussed above, the Office Action relied on Callon to disclose the subject matter of claim 5. However, Applicants submit, as discussed above, that Callon and Ichinohe is silent with regards to “distributing each packet in the set of packets across the set of equal-cost paths according to a weighted distribution so that at least one of said packets is given greater weight to be distributed across at least one of said equal-cost paths than at least one other of said equal-cost paths, said packet weight corresponding to a number of entries stored in a memory”, as recited in independent claim 5 and similarly in independent claim 16.

Thus, Callon fails to cure the admitted deficiencies of Ichinohe. Applicants further submit that because claim 17 depends from claim 16, claim 17 is allowable at least for the same reasons as claim 16, as well as for the additional features recited in claim 17. Based at least on the above, Applicants respectfully submit that the cited references fail to disclose or suggest all of the features recited in claims 16 and 17. Accordingly, withdrawal of the rejection under 35 U.S.C. 103(a) is respectfully requested.

The Office Action objected to claims 9-11 for being dependent from a rejected base claim. Applicants gratefully acknowledge the indication that these claims would be allowable if rewritten into independent form. However, Applicants respectfully submit that because claims 9-11 depend from claim 5, then claims 9-11 are allowable in their

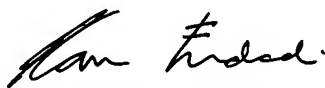
present form at least for the same reasons discussed above regarding claim 5. Accordingly, withdrawal of the objection to claims 9-11 is respectfully requested.

Applicants respectfully submit that each of claims 1-17 is in condition for allowance. Accordingly, it is respectfully requested that each of claims 1-17 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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